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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,622	11/09/2001	Giacomo Stefano Roba	09877.0189	5933
22852	7590	07/15/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER HOFFMANN, JOHN M	
			ART UNIT	PAPER NUMBER
			1791	
			MAIL DATE	DELIVERY MODE
			07/15/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: GIACOMO STEFANO ROBA, MASSIMO NUTINI  
and FRANCO VERONELLI

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Application No. 09/986,622  
Technology Center: 1700

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Mailed: July 15, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 7, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER, ENGLISH TRANSLATIONS

The certified English translations for JP08091862 (Kazuya) listed under the Evidence Relied Upon section of the Examiner's Answer filed on April 28, 2009, are missing from the IFW file. The Examiner seems to be relying on a machine-assisted translation. The BPAI do not accept machine translations. Appropriate correction is required.

MPEP 1207.02 states in part:

If a document being relied upon by the examiner in support of a rejection is in a language other than English, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The translation should be obtained prior to the appeal conference so that the participants of the appeal conference can consider the translation. The examiner should reference the pertinent portions of the translation at least in the grounds of rejection section of the answer. See MPEP § 706.02 for reliance upon abstracts and foreign language documents in support of a rejection.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

- 1) to have the certified English translation for JP08091862 scanned into the record; and
- 2) for such further action as may be appropriate.

Application No. 09/986,622

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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